

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

JOHN POREMSKI

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CRIMINAL NO. 4:09-CR-048

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On August 2, 2016, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant John Poremski. The government was represented by Jim Middleton, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Reeve Jackson.

Defendant originally pled guilty to the offense of Conspiracy to Manufacture, Distribute, or Possess with Intent to Manufacture or Distribute Cocaine, Methamphetamine, or Marijuana, a Class A felony. The offense carried a statutory maximum imprisonment term of Life. The United States Sentencing Guideline range, based on a total offense level of 27 and a criminal history category of I, was 70 to 87 months. On May 28, 2010, District Judge Marcia Crone sentenced Defendant to 70 months imprisonment followed by 5 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure and drug treatment. On July 29, 2013, Defendant completed the term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required to reside in a residential reentry center or similar facility, in a community corrections component, for 180 days to commence immediately upon completion of his term of imprisonment and abide by the rules and regulations of the center. In its petition, the government alleges that Defendant violated his

condition of supervised release by being unsuccessfully discharged from County Rehabilitation Center in Tyler, Texas on July 25, 2016.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by being unsuccessfully discharged from County Rehabilitation Center in Tyler, Texas on July 25, 2016, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade C violation is 3 to 9 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in the government's petition. In exchange, the government recommended a sentence of 4 months imprisonment with no additional supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant John Poremski be committed to the custody of the Bureau of Prisons for a term of imprisonment of 4 months with no additional supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be Seagoville.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Michael Schneider for adoption immediately upon issuance.

So ORDERED and SIGNED this 4th day of August, 2016.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE